THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25792 OF 2006

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Date: 13-12-2006

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Between:

Katherla Mallesh, s/o Venkaiah,

Aged 40 years, Occ: agriculture,

R/o Babasagar, Kouthala Mandal,

Asifabad, Adilabad District.

… Petitioner.

And

1. The Sub-Collector, Asifabad Division,

Adilabad District and two others.

… Respondents.

* * *

ORDER:

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Heard the counsel.

2. The writ petition is filed for a writ of Mandamus directing second respondent to recount the ballots polled on 29.7.2006 for the election of sarpanch, Gram Panchayat, Babasagar, Kouthala Mandal, Asifabad Division, Adilabad District, by declaring the proceedings of the first respondent dated 16.9.2006 bearing proceedings No.H/1302/2006, as illegal and void *ab initio* and pass such other suitable orders.

3. Several factual details are narrated in paragraphs 2 to 6 of the affidavit filed in support of the writ petition. It is stated that an application for recounting was made on 29.07.2006 and an appeal was also filed with the second respondent on 07.8.2006. The impugned order dated 16.9.2006 also had been referred to.

4. In the light of several factual details narrated, this Court is of the considered opinion that appropriate remedy available to the writ petitioner is by way of election petition, but not by way of present writ petition before this Court.

5. With the above observation, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 13th December 2006.

BSB